Application No.: 09/765,534 Docket No.: 28967/34891A

REMARKS

I. AMENDMENTS TO THE CLAIMS

The claims set forth above find support throughout the application as originally filed, as well as support in each priority application, beginning with the Applicants' 1992 application, U.S.S.N. 07/959,951. Exemplary support for the amendment to claim 20 is found in the specification at page 2, lines 17 and 27-28, in Fig. 1A, and in claim 21, support for which was set forth in the Applicants' first preliminary amendment.

New claim 31 defines fragments by reference to immunoglobulin-like domains of Flt4, and finds support in Fig. 2 and at page 25, lines 8-10, and at page 36, lines 7-24. New claim 32 finds support in claim 22, support for which was set forth in the Applicants' first preliminary amendment. New claim 33 refers to cyanogen bromide (CNBr) proteolysis to generate fragments. Support for new claim 33 is found at page 32, line 12. For the Office's convenience, the Flt4 peptides created by CNBr proteolysis that include extracellular domain amino acids are appended hereto as Exhibit A.

No new matter is added by this amendment. Applicant reserves the right to pursue, in this or related applications, claims directed to any unclaimed subject matter whether originally claimed, later claimed, or not previously claimed.

II. ELECTION WITH TRAVERSE:

Applicants elect Group II (claim 19-24) as recited in the February 24, 2004 restriction requirement, with traverse. New claims 31-33 also fall in Group II.

A. THE RESTRICTION BETWEEN GROUP I AND II AND BETWEEN GROUPS III AND IV HAS BEEN RENDERED MOOT

The restriction between groups I and II, and between groups III and IV, has been rendered moot in view of the amendment to claim 20, because the extracellular domain of SEQ ID NO: 2 and 4 are identical.

B. EXAMINING GROUPS I-IV DOES NOT CONSTITUTE A SERIOUS BURDEN ON THE EXAMINER

The restriction requirement between groups I, II, III, and IV is improper because examination of all of the claims can proceed without a serious burden on the

examiner.[1] The prosecution of the Applicants' parent patent, U.S. Patent No. 5,776,755, which issued from the November 1994 priority application, demonstrates that the subject matter of all four groups can be examined without serious burden. Claims to the related polypeptide and polynucleotide subject matters, including both "short" (SEQ ID NOS: 1 and 2) and "long" (SEQ ID NOS: 3 and 4) forms of Flt4, were examined together in the parent '755 patent and found allowable. The art identified through the prosecution of the '755 patent significantly reduces the Office's workload in examining the present application. The '755 patent also evinces that examining groups I-IV together is reasonable, efficient, and without undue burden. Moreover, the polynucleotide claims of groups III and IV depend from and encode the polypeptides of groups I and II. Accordingly, maintaining a restriction in the present case would be improper.

The applicants respectfully request prompt consideration of the pending claims. The claims are believed to be in condition for allowance in view of the foregoing amendments and remarks.

The Applicants invite the examiner to contact the undersigned attorney if questions arise during examination, or if the examiner has suggestions for expediting allowance.

Respectfully submitted,

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[1] See M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.")

Exhibit A

Peptide Products of Cyanogen Bromide Digests of Flt4 Receptor Tyrosine Kinase Yielding Fragments Comprising Extracellular Domain Amino Acids

Peptide 1: 2 -QRGAALCLRLWLCLGLLDGLVSGYSM - 27

Peptide 2: 28 -TPPTLNITEESHVIDTGDSLSISCRGQHPL
EWAWPGAQEAPATGDKDSEDTGVVRDCEGTDAR
PYCKVLLLHEVHANDTGSYVCYYKYIKARIEGTTA
ASSYVFVRDFEQPFINKPDTLLVNRKDAM - 154

Peptide 3: 155 -WVPCLVSIPGLNVTLRSQSSVLWPDGQ
EVVWDDRRGM - 191

Peptide 4: 192 -LVSTPLLHDALYLQCETTWGDQDFLSN
PFLVHITGNELYDIQLLPRKSLELLVGEKLVLNCT
VWAEFNSGVTFDWDYPGKQAERGKWVPERRSQQ
THTELSSILTIHNVSQHDLGSYVCKANNGIQRFRES
TEVIVHENPFISVEWLKGPILEATAGDELVKLPVK
LAAYPPPEFQWYKDGKALSGRHSPHALVLKEVTE
ASTGTYTLALWNSAAGLRRNISLELVVNVPPQIHE
KEASSPSIYSRHSRQALTCTAYGVPLPLSIQWHWR
PWTPCKM - 468

Peptide 5: 469 -FAQRSLRRRQQQDLM - 483

Peptide 6: 484 -PQCRDWRAVTTQDAVNPIESLDTWTEF
VEGKNKTVSKLVIQNANVSAM - 531

Peptide 7: 532 -YKCVVSNKVGQDERLIYFYVTTIPDGFT
IESKPSEELLEGQPVLLSCQADSYKYEHLRWYRLN
LSTLHDAHGNPLLLDCKNVHLFATPLAASLEEVPG
ARHATLSLSIPRVPEHEGHYVCEVQDRRSHDKHCH
KKYLSVQALEAPRLTQNLTDLLVNVSDSLEM - 695

Peptide 8: 696 -QCLVGAHAPSIVWYKDERLLEEKSGVD
LADSNQKLSIQRVREEDAGRYLCSVCNAKGCVNS
SASVVEGSEDKGSM - 770

Peptide 9: 771 -EIVILVGTGVIAVFFWVLLLLIFCNM - 796